

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

AUG 23 2022

In the matter of:)	BOEE Case No. 22-46
)	Folder # 1018176
LISA ZUEHL,)	
)	COMBINED STATEMENT OF
Respondent.)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon her license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of her desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against her at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Count I

Respondent is charged with falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests, in violation of 282 Iowa Administrative Code rule 25.3(3)(e).

Count II

Respondent is charged with failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations, in violation of 282 Iowa Administrative Code rule 25.3(6)(m).

Count III

Respondent is charged with willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa, in violation of 282 Iowa Administrative Code rule 25.3(8)(a).

STIPULATIONS

1. Respondent holds a STANDARD LICENSE (FOLDER #1018176) with endorsements for K-6 Teacher Elementary Classroom; K-8 Reading; K-8 Instructional Strategist I: Mild/Moderate; 5-12 Instructional Strategist I: Mild/Moderate; and K-12 Instructional Strategist II: BD/LD. This license is current and will next expire on July 31, 2023.

2. During all material events of this case, Respondent was employed as a Special Education Teacher with the Clinton Community School District.

3. On March 4, 2022, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On June 24, 2022, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 5 below.

5. Investigation revealed that Respondent incorrectly administered progress monitoring assessments according to IEP progress monitoring procedures; failed to follow state IEP progress monitoring procedures and state-required ELI testing requirements; all in a manner that willfully or repeatedly departed from prevailing educational practice and with reasonable skill and safety.

SETTLEMENT AGREEMENT

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent accepts a PUBLIC REPRIMAND.

b. Respondent accepts a SUSPENSION of her K-8 Instructional Strategist I:

Mild/Moderate; 5-12 Instructional Strategist I: Mild/Moderate; and K-12 Instructional Strategist II: BD/LD endorsements for a minimum of ONE YEAR. Respondent agrees she bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that she bears the burden of proving that the basis for her suspension no longer exists and that it will be in the public interest to reinstate her endorsements. Additionally, Respondent agrees she is not eligible for reinstatement of the endorsements or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of subparagraphs (c), (d), and (e) below.

- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course within one (1) year of the Board's acceptance of this Settlement Agreement. These hours are in addition to the standard continuing education requirements for the license renewal and cannot be used to satisfy the required hours for license renewal.
- d. Respondent agrees to successfully complete a course in special education law, preapproved by the Board's Executive Director. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the special education law course within one (1) year of the Board's acceptance of this Settlement Agreement. These hours are in addition to the standard continuing education requirements for the license renewal and cannot be used to satisfy the required hours for license renewal.
- e. Respondent agrees to undergo a mental health evaluation that includes an assessment of her ability to establish and maintain an appropriate classroom environment, especially under stressful conditions. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines she has satisfactorily completed this requirement.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

8/22/22
Date

Lisa M. Zuehl
Lisa Zuehl, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes violations of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Respondent's K-8 Instructional Strategist I: Mild/Moderate; 5-12 Instructional Strategist I: Mild/Moderate; and K-12 Instructional Strategist II: BD/LD endorsements shall be SUSPENDED for a minimum of ONE YEAR. Respondent agrees she bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that she bears the burden of proving that the basis for her suspension no longer exists and that it will be in the public interest to reinstate her endorsements. Additionally, Respondent agrees she is not eligible for reinstatement of the endorsements or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of subparagraphs (3), (4), and (5) below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course within one (1) year of the Board's acceptance of this Settlement Agreement. Failure to complete the ethical class within the allotted time period will result in immediate suspension of your license until completed. These hours shall not be used to satisfy the required hours for license renewal.


4. Respondent shall successfully complete a course in special education law, preapproved by the Board's Executive Director. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the special education law course within one (1) year of the Board's acceptance of this Settlement Agreement. Failure to complete the course within the allotted time period will result in immediate suspension of your license until completed. These hours shall not be used to satisfy the required hours for license renewal.

5. Respondent shall undergo a mental health evaluation that includes an assessment of her ability to establish and maintain an appropriate classroom environment, especially under stressful conditions. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling prior to seeking reinstatement. Respondent is responsible

for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines she has satisfactorily completed this requirement.

6. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 9th day of September, 2022.



Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Lisa Zuehl
RESPONDENT

Heather L. Carlson
ATTORNEY FOR RESPONDENT

Kristi A. Traynor
ATTORNEY FOR THE STATE